

Message Text

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C O N F I D E N T I A L STATE 130201

LIMDIS, TOKYO FOR BRZEZINSKI PARTY

E.O. 11652: GDS

TAGS: PGOV, KS, US

SUBJECT: HIRC HEARING ON ETHICS COMMITTEE RESOLUTION RE
TESTIMONY OF FORMER KOREAN AMBASSADOR

REF: STATE 129487

1. BY SEPTTEL, WE HAVE SENT YOU TEXTS OF DEPUTY SECRETARY CHRISTOPHER'S AND LEON JAWORSKI'S PREPARED STATEMENTS BEFORE A HEAVILY-ATTENDED, FOUR-HOUR HEARING OF THE HIRC MAY 22 ON A PROPOSED QUOTE SENSE OF THE HOUSE UNQUOTE RESOLUTION THAT WOULD DENY APPROPRIATION OF NON-MILITARY FUNDS FOR KOREA UNTIL SWORN TESTIMONY HAS BEEN PROVIDED BY FORMER SOUTH KOREAN AMBASSADOR KIM DONG-JO.

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2. THE DEPUTY SECRETARY'S TESTIMONY WAS WELL RECEIVED. RESPONDING TO QUESTIONS, HE STRESSED THAT, FACED WITH A SIMILAR SITUATION, THE UNITED STATES WOULD PROBABLY REFUSE TO PERMIT ITS AMBASSADOR TO TESTIFY, AND THAT THE THREAT OF SANCTION BY THE CONGRESS WAS IN OUR VIEW EQUIVALENT TO PRESSURE BY THE USG. THE DETAILS REGARDING THE ROKG OFFER CONCERNING INFORMATION FROM KIM DONG-JO WERE REVEALED IN

OUR TESTIMONY AFTER PREVIOUS CONSULTATION WITH AND PERMISSION OF THE ROK EMBASSY HERE. ZABLOCKI AND SEVERAL

OTHERS EXPRESSED PARTICULAR INTEREST IN THE DEPARTMENT'S CONTINUING EFFORTS TO FACILITATE AN ACCOMMODATION BETWEEN THE PARTIES.

3. THE COMMITTEE PRESSED JAWORSKI HARD ON HIS INSISTENCE THAT THE VIENNA CONVENTION ISSUE WAS A QUOTE RED HERRING, UNQUOTE AND ALSO PROBED REPEATEDLY AT HIS DEMAND FOR TESTIMONY BY THE FORMER AMBASSADOR UNDER OATH. IN RESPONSE TO QUESTIONS REGARDING THE ADVERSE PRECEDENT FOR CONDUCT OF U.S. FOREIGN RELATIONS, JAWORSKI TWICE STATED THAT IN A SIMILAR SITUATION HE BELIEVED THE USG SHOULD PROVIDE THE TESTIMONY OF THE AMERICAN AMBASSADOR TO A FOREIGN ALLIED GOVERNMENT OR PARLIAMENTARY TRIBUNAL. SEVERAL CONGRESSMEN PICKED UP THIS POINT AND CITED INSTANCES IN WHICH IT WOULD BE IMPORTANT FOR U.S. AMBASSADORS NOT TO BE SUBJECT TO PRESSURE FOR SUCH TESTIMONY.

4. WITH REGARD TO HIS DEMAND FOR TESTIMONY UNDER OATH, JAWORSKI MADE IT PLAIN THAT HE CONSIDERED THE OATH NECESSARY IN ORDER TO HOLD THE SANCTION OF A PERJURY CHARGE OVER KIM DONG-JO'S HEAD SHOULD HE LATER COME TO THIS COUNTRY. WE HAVE NOT HAD TIME TO EXPLORE THE LEGAL CONFIDENTIAL

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IMPLICATIONS.

5. CONGRESSMEN BUCHANAN AND CAVANAUGH EACH STATED THAT THEY WOULD SUPPORT JAWORSKI'S REQUEST FOR A STRONG RESOLUTION ALONG THE LINES REQUESTED. CAPUTO, WHO WAS PRESENT AT HIS REQUEST FOR MOST OF SESSION AS GUEST OF THE COMMITTEE, MADE AN INTENSE PLEA AT THE END FOR A STRONG RESOLUTION DEMANDING TESTIMONY FROM THE FORMER AMBASSADOR. HE INSISTED THAT HIS EVIDENCE WAS ESSENTIAL TO THE ETHICS COMMITTEE.

6. AT THE CLOSE OF THE HEARING, CHAIRMAN ZABLOCKI POSED SEVERAL QUESTIONS AND SUMMED UP WHAT HE SAID HE JUDGED TO BE THE MOOD OF THE COMMITTEE. BASED ON THIS SUMMING UP, DISCUSSION WITH STAFF, AND COMMITTEE QUESTIONING DURING THE HEARING, WE JUDGE THAT PROSPECTS ARE FOR A RESOLUTION REPORTED BY THE HIRC WHICH: A) ELIMINATES THE IMPLICATION THAT THERE HAS BEEN NO ROKG COOPERATION WITH THE INVESTIGATIONS; B) ELIMINATES THE THREATENED SANCTION OF NON-APPROPRIATION OF FUNDS; AND C) DEALS MORE FLEXIBLY WITH THE QUESTION OF TESTIMONY UNDER OATH. JAWORSKI ACCEPTED THE FIRST POTENTIAL CHANGE BUT OPPOSED

THE LATTER TWO.

7. THE COMMITTEE WILL MARK UP AND VOTE TUESDAY MORNING,
MAY 23.

8. HIRC MEMBER ATTENDANCE FOR MOST OF THE SESSION
INCLUDED ZABLOCKI, BROOMFIELD, BUCHANAN, HAMILTON, WOLFF,
GUYER, WHALEN, BINGHAM, CAVANAUGH, WINN, GILMAN, BEILENSON,
DANIELSON, LA GARZA, PEASE, MEYNER, AND FASCELL PLUS
CAPUTO. THE FOLLOWING WERE ALSO PRESENT ONLY FOR THE
DEPUTY SECRETARY'S TESTIMONY: HARRINGTON, LAGOMARSINO,
GOODLING, AND FINDLEY. THE FOLLOWING WERE PRESENT
PRINCIPALLY ONLY FOR JAWORSKI'S TESTIMONY: SOLARZ,
DERWINSKI, FOUNTAIN, AND PETTIS.
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